



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

VETOED

FACT SHEET FOR H.B. 2675

drug cartels; terrorist organizations

Purpose

Declares drug cartels as terrorist organizations and requires the Arizona Department of Homeland Security (AZDOHS) to do everything within its authority to address the threat posed by drug cartels.

Background

The U.S. Secretary of State is authorized to designate an organization as a foreign terrorist organization if the Secretary finds that: 1) the organization is a foreign organization; 2) the organization engages in terrorist activity or retains the capability and intent to engage in terrorist activity or terrorism; and 3) the terrorist activity or terrorism of the organization threatens the security of U.S. nationals or the national security of the United States ([8 USC § 1189](#)). *Terrorist activity* means any activity which is unlawful under the laws of the place where it is committed or if it had been committed in the United States, would be unlawful under the laws of the United States or any state, and which involves any of the following: 1) the highjacking or sabotage of any conveyance including an aircraft, vessel, or vehicle; 2) the seizing or detaining, and threatening to kill, injure or continue to detain, another individual in order to compel a third person, including a governmental organization, to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained; 3) a violent attack upon an internationally protected person or upon the liberty of such a person; 4) an assassination; 5) the use of any biological agent, chemical agent or nuclear weapon or device, or explosive, firearm or other weapon or dangerous device, other than for mere personal monetary gain, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property; or 6) a threat, attempt or conspiracy to do any of the foregoing ([8 USC § 1182](#)).

AZDOHS must formulate policies, plans and programs to enhance the ability of Arizona to prevent and respond to acts of terrorism, cybersecurity threats and other critical hazards ([A.R.S. § 41-4254](#)). *Terrorism* means any felony, including any completed or preparatory offense, that involves the use of a deadly weapon or a weapon of mass destruction, or the intentional or knowing infliction of serious physical injury with the intent to do any of the following: 1) influence the policy or affect the conduct of Arizona or any of the political subdivisions, agencies or instrumentalities of Arizona; 2) cause substantial damage to or substantial interruption of public communications, communication service providers, public transportation, common carriers, public utilities, public establishments or other public services; 3) intimidate or coerce a civilian population; or 4) further the goals, desires, aims, public pronouncements, manifestos or political objectives of any terrorist organization. *Terrorist organization* means any organization that is designated by the U.S. Department of State as a foreign terrorist organization under section 219 of the immigration and nationality act ([A.R.S. § 13-2301](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Declares drug cartels as terrorist organizations.
2. Requires AZDOHS to do everything within its authority to address the threat posed by drug cartels.
3. Defines *drug cartel* as an ongoing formal or informal association of persons in which members or associates individually or collectively engage in unlawful human smuggling, drug trafficking for profit or any act of terrorism as currently prescribed.
4. Defines *threat* as anything designed to disturb, violate or cause harm to individual rights guaranteed under the state and federal constitutions or to the public safety, health or general welfare of the people.
5. Becomes effective on the general effective date.

Governor's Veto Message

The Governor indicates in her [veto message](#) that, under current statute, *terrorist organization* means any organization that is designated by the U.S. Department of State as a foreign terrorist organization and that designating drug cartels as terrorist organizations is not a state function. The Governor also states that AZDOHS is an administrative grant management office whose main function is to administer federal homeland security grants and that AZDOHS is not a law enforcement agency.

House Action

MAPS 2/13/23 DP 10-5-0-0
3rd Read 3/1/23 31-28-1

Senate Action

MAPS 3/22/23 DP 4-3-0
3rd Read 4/5/23 16-14-0

Vetoed by the Governor 4/12/23

Prepared by Senate Research
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ZD/KS/sr